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**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

**NORMA SANCHEZ, individually,
 OMAIRA S. OWEN, as legal
 guardian of ROBERT MEYERS, a
 minor,**

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 2:10-cv-0629-LDG-LRL

NOTICE OF SUBSTITUTION

In this civil action brought pursuant to the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 1346, 2671 *et. seq.*, Plaintiffs have named the United States Postal Service, Federal employee Michael Ellenbecker, and various "Doe" and "Roe" corporations as party defendants. However, as noted by this Court in a prior case, "[t]he United States is the only proper defendant in a suit brought pursuant to the FTCA." Whitehorn v. Federal Communications Commission, 235 F.Supp.2d 1092, 1097 (D.Nev. 2002) (*citing* FDIC v. Craft, 157 F.3d 697, 706 (9th Cir. 1998)). "Nor is an agency a proper defendant under the FTCA." *Id.* With respect to individual employees of the Federal Government, 28 U.S.C. § 2679(d)(1) provides that "[u]pon certification by the Attorney General that the defendant employee was acting within the scope of his [or her] office or employment at the time of the incident out of which the claim arose, any civil action or proceeding commenced upon such claim in a United States district court shall be deemed an

1 action against the United States under the provisions of this title and all references thereto, and
2 the United States shall be substituted as the party defendant.” Here, Mr. Ellenbecker has been
3 deemed by the Attorney General’s authorized representative to have been acting in the scope and
4 course of his employment during the event alleged in the Plaintiffs’ Complaint filed on May 3,
5 2010.

6 In light of the foregoing, notice is hereby provided that the United States of America is
7 substituted as the proper party defendant for the United States Postal Service and Federal
8 employee Michael Ellenbecker.¹ All further pleadings, communications and court orders shall
9 reflect that the only Defendant in this case is the United States of America.

10 Respectfully submitted,

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13 /s/ *Paul S. Padda*

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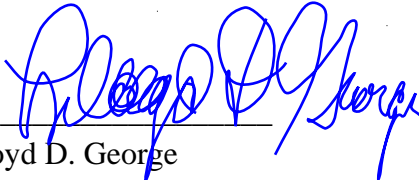
20 ORDER

21 IT IS SO ORDERED.

22 DATED this 20 day of October, 2010.

23 Attorneys for the United States

24 Dated: October 18, 2010

25 
26 Lloyd D. George
Sr. U.S. District Judge

1 A suit naming “Roe” and “Doe” defendants may not be maintained in Federal court.
See Fifth Associates v. Prudential Insurance Co. of America, 446 F.2d 1187, 1191 (9th Cir. 1970).